

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL ACTION FILE NO. 3:20-CV-195

JAMES WARFIELD,)	
Plaintiff)	
v.)	MOTION TO CONFIRM
)	ARBITRATION AWARD
ICON ADVISERS, INC. AND ICON)	
DISTRIBUTORS, INC.,)	
Defendants)	

Plaintiff James Warfield, through his attorneys and pursuant to the Federal Arbitration Act ("FAA"), 9 U.S.C. § 9, moves the Court to confirm and enter judgment upon the arbitration award issued by the Financial Industry Regulatory Authority ("FINRA") in FINRA Dispute Resolution No. 19-00732 (the "Award").

In support of this Motion, Warfield submits the Declaration of Gary J. Rickner and Warfield's Memorandum of Law in Support of Motion to Confirm Arbitration Award. A true and correct copy of the Award is attached as Exhibit C to Mr. Rickner's Declaration.

This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1332(a) because the amount in controversy, exclusive of interest and costs, exceeds \$75,000, and complete diversity of citizenship exists—Warfield is a citizen of North Carolina while the ICON Defendants ("ICON") are incorporated and headquartered in Colorado. Venue is proper in this Court under 9 U.S.C. § 9 because the Award was issued in Charlotte, North Carolina.

ICON has not sought to correct, modify, or vacate the Award, and no valid grounds exist to do so. Accordingly, the Court should issue its order confirming the Award and enter judgment in favor of Warfield pursuant to the Award.

WHEREFORE, Warfield respectfully requests that the Court confirm the Award in its entirety and enter judgment that: (1) ICON pay Warfield \$1,186,975.00 in damages, plus \$750.00 for the FINRA filing fee; and (2) the Central Registration Depository expunge the Termination Explanation in Section 3 of Warfield's Form U5 (CRD #1924965) filed by Defendant ICON Distributors, Inc. on December 5, 2017 and replace it with the language "Awaiting Financing to Clear Tax Liens."

This the 30th day of March, 2020.

By: /s/ Gary J. Rickner
Gary J. Rickner
N.C. State Bar No. 25129
email: gjr@wardandsmith.com
Marla S. Bowman
N.C. State Bar No. 49097
email: msbowman@wardandsmith.com
For the firm of
Ward and Smith, P.A.
Post Office Box 33009
Raleigh, North Carolina 27636-3009
(919) 277-9100
Attorneys for James Warfield